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OFFICE OF PETITIONS

In re Application of :
Eric C. Steindorf :
Application No. 10/743,260 : DECISION ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. KCX-771 (19263) :
:

This is a decision on the petition, filed September 8, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for a failure to take appropriate action in a timely manner after the decision of November 13, 2008 by the Board of Patent Appeals and Interferences. A Notice of Abandonment was mailed on January 6, 2009. On September 8, 2009, the present petition was filed.

Petitioner argues that the Notice of Abandonment issued prematurely, since a Request for Continued Examination (RCE) was filed within the period set for response or to request reconsideration.

A review of the record discloses that petitioner is correct. In view of the decision by Board of Appeals and Interferences on November 13, 2008, applicant had until January 13, 2009 to file a response to continue prosecution. Since the RCE was filed on January 9, 2009, the Notice of Abandonment was mailed in error. Accordingly, the Notice of Abandonment of January 6, 2009 is hereby vacated.

The application is being referred to the Technology Center technical support staff of Art Unit 3772 for withdrawing the holding of abandonment and then for processing the January 9, 2009 RCE in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions